

**REGULAR MEETING
ENFORCEMENT AND RESOURCE PROTECTION COMMITTEE
JANUARY 21, 2009 – 3:00 P.M.
TRIBAL OFFICE BOARDROOM**

1. Secretary Mark Waukau called the meeting to order at 3:10 p.m. Roll call was taken with a quorum present. MEMBERS PRESENT: Mark Waukau, Walter Cox, Toni Caldwell (late), Robert Summers, Barb Nelson, Lynnette Miller Jonathan Pyatskowit and Gregory Askenette. MEMBERS ABSENT: Kenneth A. Fish, Chairman (excused) and Lisa S. Waukau, Vice-Chairman (excused). Also present: Warren Warrington and Linda Peters, recorder.

(Mr. Waukau requested that the record reflect that he was the Chairman for this meeting due to the excused absences of the Chairman and Vice Chairman of the Committee).

2. Moment of Silence. A moment of silence was observed.

3. Approval of Minutes dated December 17, 2008

No corrections necessary.

Motion made by Lynnette Miller to approve the minutes dated December 17, 2008 with any potential corrections. Second was by Barb Nelson. All those in favor of the motion signify by saying aye. Motion carried: 6 for, 0 opposed, 0 abstentions and 3 absent (Fish, Waukau and Caldwell).

4. Tow Guidelines Policy: Discussion/Recommendations

The committee reviewed the policy and would like to know why Sections 3 and 4 are empty. The committee would like to see Sections 2 (b) and (c) combined as they have similar language. The committee questioned the necessity of the tow driver receiving a copy of the evidence and inventory report, and that if the evidence is in plain sight, that the evidence should be taken into custody immediately, hence the “plain view doctrine”.

Mr. Waukau will address the concerns of the committee and bring back an updated policy.

Motion made by Barb Nelson to table this item based on the recommendations until the next meeting. Second was by Lynnette Miller. All those in favor of the motion signify by saying aye. Motion carried: 6 for, 0 opposed, 0 abstentions and 3 absent (Fish and Waukau and Caldwell).

(T. Caldwell entered at 3:10 p.m.)

5. Hazardous Material Response Guidelines: Discussion/Recommendations

The Legal Department did not include any documentation that these guidelines coincide with the Menominee Tribe’s Emergency Plan.

Mr. Waukau will provide the Legal Department's comments and assign a number to this policy for the next meeting.

Motion made by Walter Cox to table item # 5 – Hazardous Material Response guidelines. Second was by Greg Askenette. All those in favor of the motion signify by saying aye. Motion carried: 7 for, 0 opposed, 0 abstentions and 2 absent (Fish and Waukau).

6. Tribal Police Vehicle Policy: Discussion/Recommendations

The committee would like the Legal Department to provide a memo in support of this policy. Mr. Waukau will provide a memo to this policy also.

Motion made by Lynnette Miller to table the vehicle policy until the committee is assured that the Legal Department worked on this policy. Second was by Jonathan Pyatskowit. All those in favor of the motion signify by saying aye. Motion carried: 7 for, 0 opposed, 0 abstentions and 2 absent (Fish and Waukau).

7. License and Permits: Discussion/Recommendation on increasing the fees.

Diana Taubel – Director of License and Permits provided information to the Committee on the different licenses and permits that are issued from her department.

The Committee discussed the differences in dog tag amounts and the annual license fee amount for motor vehicles.

The Committee would like a breakdown cost for each permit/license issued and if possible, what are the administration costs for each permit that is issued from the department.

Motion made by Barb Nelson to table this item until the Director can respond to these questions. Second was by Toni Caldwell. All those in favor of the motion signify by saying aye. Motion carried: 7 for, 0 opposed, 0 abstentions and 2 absent (Fish and Waukau).

8. Tenant-Advisory Board concerns.

Both police entities (Menominee Tribal Police and Menominee County Police departments) will attend the Tenant Advisory Board meeting on February 7, 2009. Barb Nelson will confirm with her staff to locate the memo requesting her department to attend.

9. Community meeting concerns.

GANG ORDINANCE

The Tribe does have a gang ordinance and it is used in prosecuting cases. There is a task force that deals with gangs on the reservation currently, and they have been focusing their attention mainly on the drug situation. Mr. Waukau informed the committee that there is a hotline (1-800-nab- drugs) that will take the confidential information and pass it along to the appropriate police department for further action.

According to the South Branch community minutes, Officer Richard Nacotee was going to obtain a copy of the Shawano County gang ordinance for comparison to ours.

The committee would like to have an update next month.

ATV ORDINANCE

All of the Reservation Communities have expressed concern about the ATV usage on the reservation. Lakes and streams are being degraded; there are no age limits for the usage of the vehicles, the vehicles abuse the speed limits, and there are no designated trails for ATV use.

The committee will review the ordinance with the Legal Department for amendment considerations.

INVASIVE SPECIES

There are some training sessions on cleaning boats when they leave the waters. There are two UWGB community meetings on the invasive species.

The firewood ordinance is in the process of being reviewed for amendment purposes. The Tribe had adopted an emergency ordinance due to the VHS virus. This ordinance was only good for thirty days. The Tribe needs to adopt an invasive species ordinance that would address the zebra mussels, VHS and other invasive species that are affecting our reservation.

Lynnette Miller has requested that the ATV ordinance is placed onto the agenda for the next meeting for amendment purposes.

DISCUSSION

At the last General Council meeting, the discussion was about the meaning of tennis shoes on the power lines. The meaning was that there was drug activity or that the shoes meant that a certain gang had this territory. Mark Waukau will contact the school liaison officer for further information and report back to the committee.

10. Monthly Narratives.

Mark Waukau informed the committee that a big drug hotline banner has been received and the police department is now in the process of getting permission to place the banner in a strategic location.

The committee confirmed that there is no ordinance on the books for commandeering vehicles in a potential police chase.

11. Other Business.

Next meeting will be held on February 18, 2009. The committee structure will be reviewed by MTL on February 19, 2009.

BASS LAKE SE

An elder has requested that Mark Waukau review the restrictions on the lake. Mr. Waukau will research this item and send the requested information to her.

SOLICITATION ORDINANCE

The Gaming Commission requested that the Enforcement and Resource Protection committee adopt a solicitation ordinance which includes pandering. Ordinance 79-14 can be used for this type of violation. The legal department has a copy of the motion and will have a draft ready for discussion at the next meeting.

12. Adjournment.

Motion made by Lynnette Miller to adjourn the meeting. Second was by Walter Cox. All those in favor of the motion signify by saying aye. Motion carried: 7 for, 0 opposed, 0 abstentions and 2 absent (Fish and Waukau).

Meeting adjourned at 4:02 p.m.

Respectfully submitted by,

Linda Peters, recorder
Chairman's Office